

U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OP-RMN(CH P&G/UPPER PORT TOBACCO RIVER/DREDGE)  
2008-01545-M27

PN08-38

Comment Period: **June 24, 2008 – July 24, 2008**

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THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act, as described below:

APPLICANT: Charles County Commissioners  
Attn: Mr. Wayne Cooper  
Department of Planning & Growth Management  
P.O. Box 2150  
La Plata, MD 20646

LOCATION: The Upper Port Tobacco River, Charles County, MD

WORK: The applicant proposes to hydraulic or mechanically maintenance dredge in the Upper Port Tobacco River, Charles County, MD. The project would involve dredging a 53-foot wide, 7,400-linear foot channel to a depth of -5 MLW for a total of 423,200 square feet (17,520 cubic yards) of dredge spoil. The applicant has proposed the use of a new dredged material placement site to be located at the Edelen Property of John Hanson Estates, LLC, approximately 5 miles south of La Plata, MD.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Ms. Erika Mark at (410) 962-6144*.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH).

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The project site lies in or adjacent to EFH as described under the MSFCMA for the *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), managed

species under the MSFCMA. The project has the potential to adversely affect EFH or the species of concern by loss of nursery, forage and/or shelter habitat. The project may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of

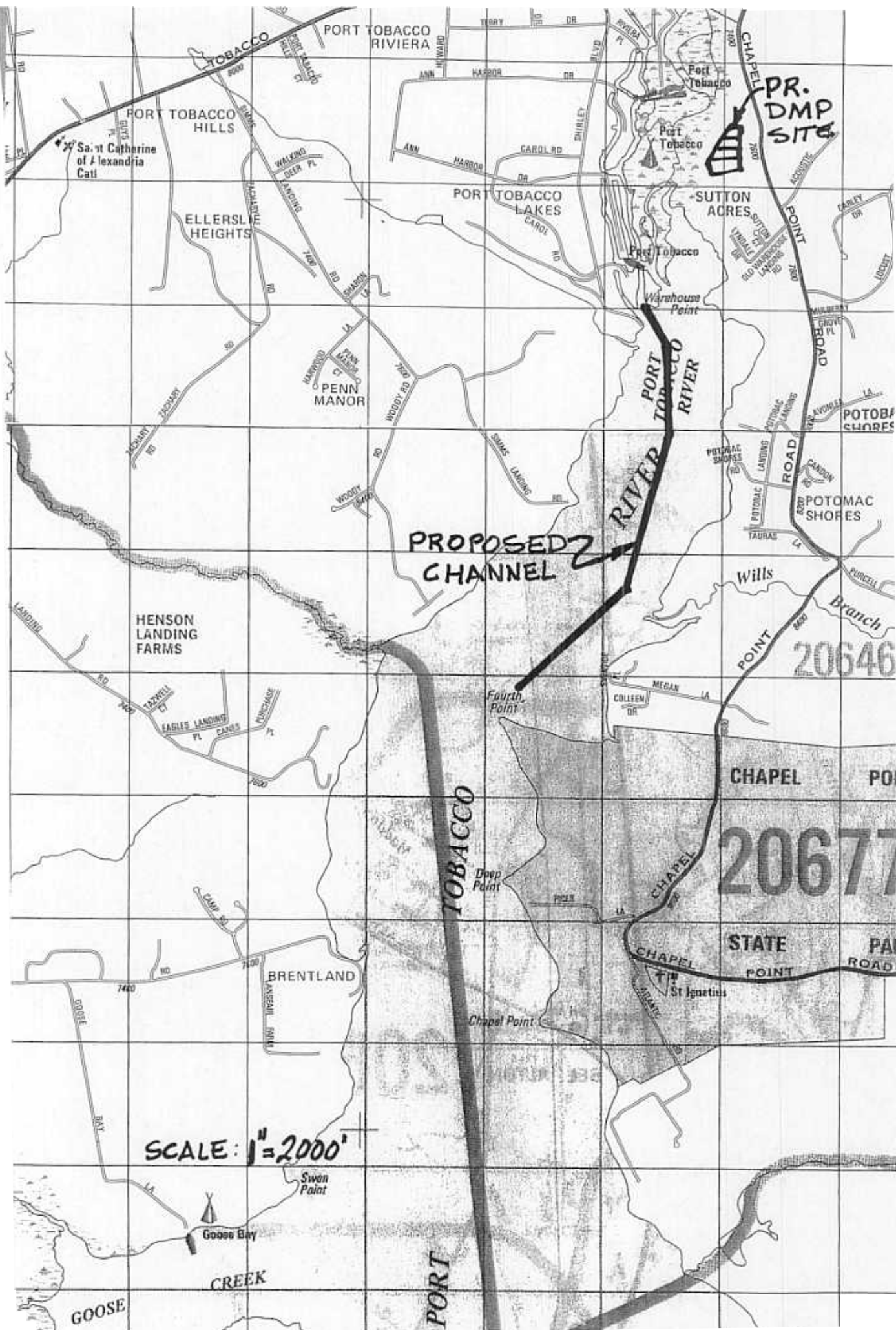
Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

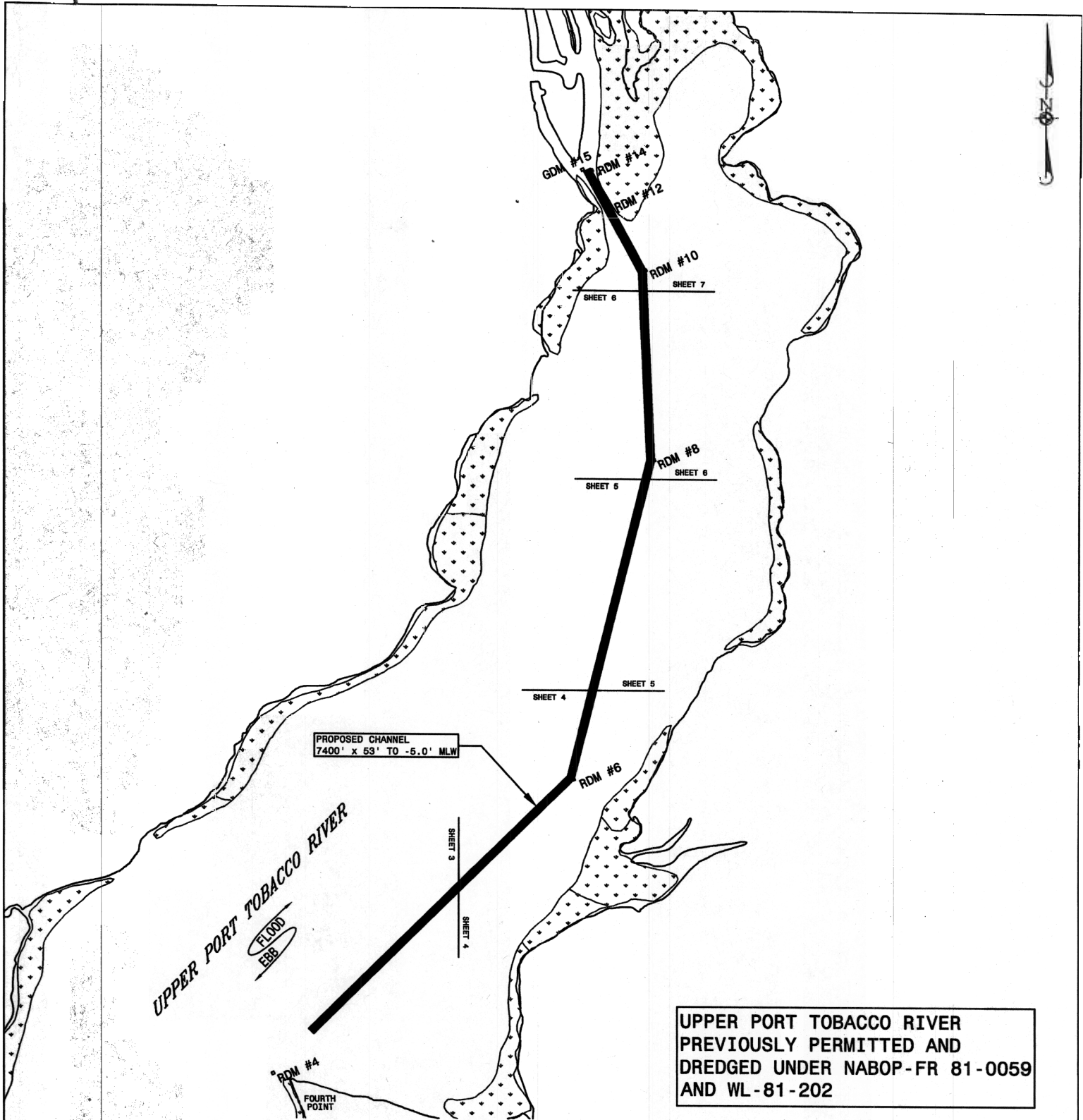
It is requested that you communicated the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:



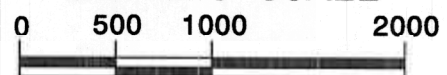
JOSEPH P. DAVIA  
Chief, Maryland Section Northern





UPPER PORT TOBACCO RIVER  
PREVIOUSLY PERMITTED AND  
DREDGED UNDER NABOP-FR 81-0059  
AND WL-81-202

## GRAPHIC SCALE



( IN FEET )

1 inch = 1000 feet

## UPPER PORT TOBACCO PROPOSED COUNTY DREDGING

CHARLES COUNTY, MD  
APPL. BY: CHARLES COUNTY  
DEPARTMENT OF PLANNING  
AND GROWTH MANAGEMENT

APRIL 2008

SHEET 2 OF 9

*BayLand*  
Consultants & Designers, Inc.  
"Integrating Engineering and Environment"

1321 Mercedes Drive, Suite C Phone: (410) 694-9401  
Hanover, Maryland 21076 Fax (410) 694-9405

UPPER PORT TOBACCO  
RIVER

KEY SHEET

APRIL 2008

**PROPOSED CHANNEL**  
7400' x 53' TO -5.0' MLW

UPPER PORT TOBBACO RIVER



x -7.4  
x -7.4  
x -7.2  
RDM #4

x -7.0  
x -6.6  
x -5.9

x -6.2  
x -5.8  
x -5.4

x -5.7  
x -5.4  
x -5.2



FOURTH  
POINT

LEGEND	
	PROPOSED COUNTY CHANNEL
x-3.6	SOUNDINGS BY DNR
	SHORELINE
	RED DAY MARKER
	GREEN DAY MARKER
	VIMS 2004 SAV

**GRAPHIC SCALE**



( IN FEET )

1 inch = 200 feet

**UPPER PORT TOBBACO  
PROPOSED COUNTY DREDGING**

CHARLES COUNTY, MD  
APPL. BY: CHARLES COUNTY  
DEPARTMENT OF PLANNING  
AND GROWTH MANAGEMENT

APRIL 2008

SHEET 3 OF 9



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**UPPER PORT TOBBACO  
RIVER**

MAIN CHANNEL


APRIL 2008





**LEGEND**


 PROPOSED COUNTY CHANNEL

X-3.6 SOUNDINGS BY DNR

 SHORELINE

 RED DAY MARKER

 GREEN DAY MARKER

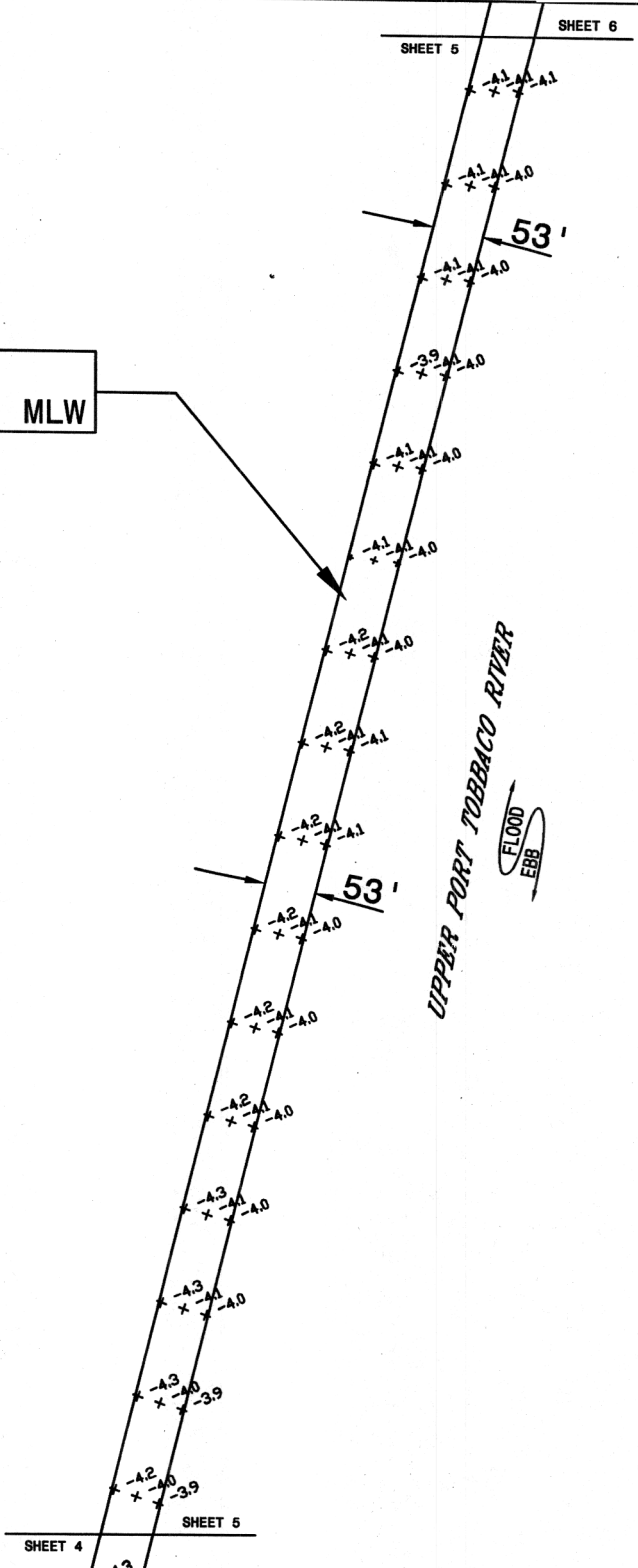
 VIMS 2004 SAV

( IN FEET )  
1 inch = 200 feet

APRIL 2008

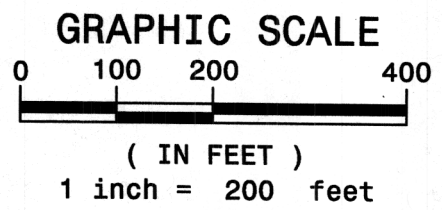


**PROPOSED CHANNEL**  
**7400' x 53' TO -5.0' MLW**



**LEGEND**

- PROPOSED COUNTY CHANNEL
- x-3.6 SOUNDINGS BY DNR
- SHORELINE
- RED DAY MARKER
- Δ GREEN DAY MARKER
- ☉ VIMS 2004 SAV

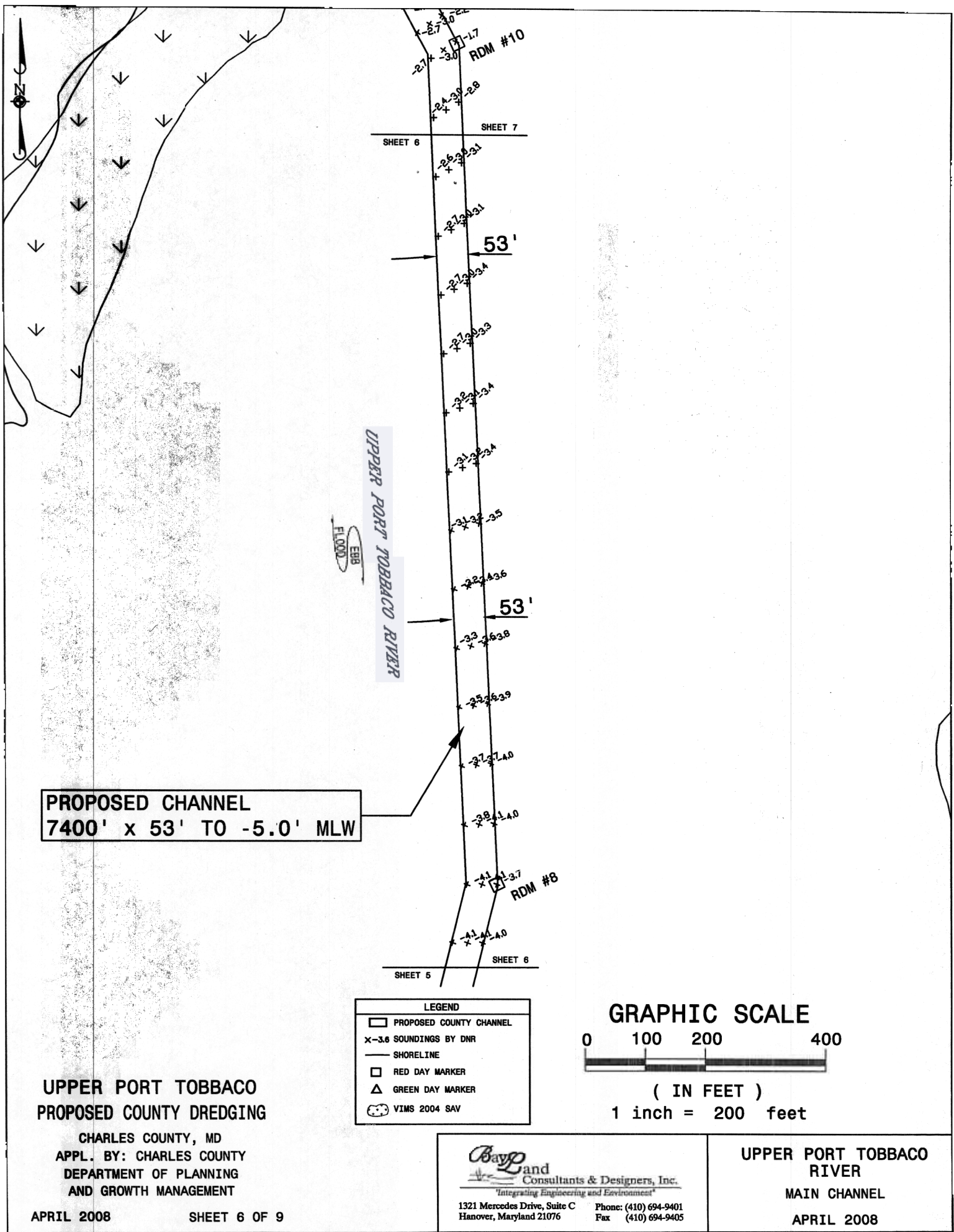


**UPPER PORT TOBBACO**  
**PROPOSED COUNTY DREDGING**  
  
CHARLES COUNTY, MD  
APPL. BY: CHARLES COUNTY  
DEPARTMENT OF PLANNING  
AND GROWTH MANAGEMENT  
  
APRIL 2008      SHEET 5 OF 9

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**UPPER PORT TOBBACO**  
**RIVER**  
**MAIN CHANNEL**  
  
APRIL 2008

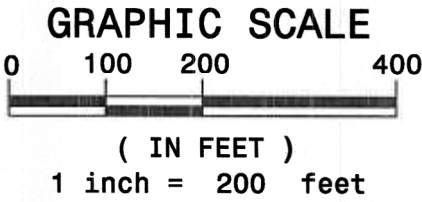




**PROPOSED CHANNEL  
7400' x 53' TO -5.0' MLW**

**UPPER PORT TOBBACO RIVER**

LEGEND	
	PROPOSED COUNTY CHANNEL
	SOUNDINGS BY DNR
	SHORELINE
	RED DAY MARKER
	GREEN DAY MARKER
	VIMS 2004 SAV



**UPPER PORT TOBBACO  
PROPOSED COUNTY DREDGING**

CHARLES COUNTY, MD  
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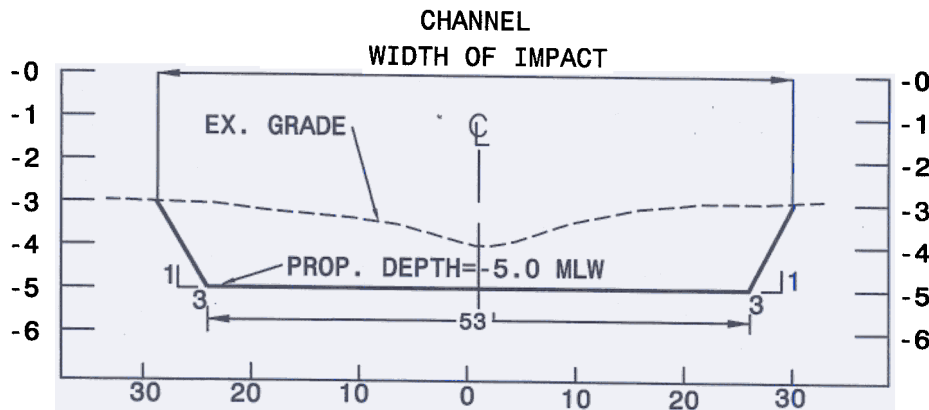
**UPPER PORT TOBBACO  
RIVER**

**MAIN CHANNEL**

**APRIL 2008**



# TYPICAL CHANNEL SECTIONS



## MAIN CHANNEL

CHANNEL LENGTH	7,400 FT
CHANNEL VOLUME	17,520 CY
CHANNEL DEPTH	-5.0'
TOTAL AREA OF IMPACT	423,200 SF = 9.7 AC
TOTAL AREA OF IMPACT TO 2004 SAV	NONE

### NOTES:

1. BASEMAP COMPILED FROM DEPARTMENT OF NATURAL RESOURCES RECENT SHORELINE, AND 2004 VIMS SAV.
2. TIDAL RANGE IS 1.5 FEET.
3. SOUNDING DATA PROVIDED BY MD DNR SURVEY DATED AUGUST 2005.
4. SOUNDINGS ARE IN FEET AND REFER TO MLW.

### UPPER PORT TOBBACO PROPOSED COUNTY DREDGING

CHARLES COUNTY, MD  
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DEPARTMENT OF PLANNING  
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APRIL 2008

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# GRAPHIC SCALE



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1 inch = 200 feet

## UPPER PORT TOBBACO PROPOSED COUNTY DREDGING

CHARLES COUNTY, MD  
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SHEET 9 OF 9



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UPPER PORT TOBBACO  
RIVER  
PROPOSED DREDGE MATERIAL  
PLACEMENT SITE  
APRIL 2008